

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference N 01244 PCT 6465	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/03963	International filing date (day/month/year) 03 May 2000 (03.05.00)	Priority date (day/month/year) 06 May 1999 (06.05.99)
International Patent Classification (IPC) or national classification and IPC A61J 7/02		
Applicant NORDMARK ARZNEIMITTEL GMBH & CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>8</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 06 October 2000 (06.10.00)	Date of completion of this report 05 September 2001 (05.09.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☒ the description, pages \_\_\_\_\_, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages 1-5, filed with the letter of 08 June 2001 (08.06.2001),  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. 1-8, filed with the letter of 08 June 2001 (08.06.2001),  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/1, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

**2. Citations and explanations**

1. This report makes reference to the following document:

D1: NL-C-66 782 (Schuitema), 15 November 1950.

2. D1 discloses (see page 1, line 80, to page 2, line 61; figures):

A dosing spoon for microtablets, with a handle and a lower part (1) which consists of a level polygon that on all sides except one has a rim (5) and comprises several rows of individual cavities (2) which are shaped in such a way that a single microtablet fits into each of these individual cavities, the individual cavities in the lower part of the dosing spoon for receiving the microtablets consisting of cylindrical holes which are arranged in the lower part in rows diagonally offset relative to each other.

The dosing spoon as per Claim 1 differs from that of D1 in that it is open to the top and in that the side of the lower part not having a rim is parallel

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to the longitudinal axis of the spoon handle, said handle extending lengthwise relative to that side of the lower part having a rim which is situated opposite to the side of the lower part not having a rim.

These features are novel and cannot be derived from the prior art in an obvious manner.

Claim 1 therefore appears to meet the criteria for novelty and inventive step of PCT Article 33(2) and (3).

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

In Claim 1 all the features known from D1 are listed in the characterizing part instead of the preamble (PCT Rule 6.3(b)).